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Docket No. 3634-025

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: James R. Smith, Asao Noda and Guy Adami

Serial No. : Not yet assigned Examiner: Not yet assigned

Filed : December 7, 2001 Art Unit: Not yet assigned

For : SENESCENT CELL DERIVED INHIBITORS OF DNA SYNTHESIS

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PRELIMINARY AMENDMENT

Sir:

This preliminary amendment is submitted in connection with continuation patent application of U.S. Patent Application Serial No. 08/327,874, (the "874 patent application") being filed concurrently herewith. On April 28, 1998, the undersigned Applicants attorney informed Examiner Steven Gucker via telephone that Applicants would be filing a continuation patent application of the '874 patent application to prosecute claims directed to antibodies capable of binding senescent cell derived-1, SDI-1. This preliminary amendment adds a new claim directed to this subject matter. The inventors of the claimed subject matter of the continuation patent application are different from the '874 patent application. Thus, a new oath and declaration is also being filed concurrently herewith. Preliminary to examination of the merits, please consider the following amendments and remarks:

IN THE SPECIFICATION:

Please amend the specification as follows:

Page 1, line 19, insert:

--This application is a continuation application of U.S. application no. 08/327,874 filed October 24, 1994 and now pending, which is a continuation-in-part of PCT/US94/09700 filed August 26, 1994 and now abandoned, which is a continuation-in-part of U.S. application no. 08/274,535 filed July 13, 1994 and now abandoned, which is a continuation-in-part of U.S. application no. 08/229,420 filed April 15, 1994 and now abandoned, which is a continuation-in-part of U.S. application no. 08/203,535 filed February 25, 1994 and now abandoned, which is a continuation-in-part of U.S. application no. 08/153,564 filed November 17, 1993 and now abandoned, which is a continuation-in-part of U.S. application no. 08/113,372 filed August 30, 1993 and now abandoned, which is a continuation-in-part of U.S. application no. 07/970,462 filed November 2, 1992 and now U.S. Patent No. 5,302,706, and divisional U.S. application nos. 08/160,814 filed January 3, 1994 and now U.S. Patent No. 5,424,400 and U.S. application no. 08/268,439 filed June 30, 1994 and now abandoned, all of which are continuations-in-part of U.S. application no. 07/808,523 filed December 16, 1991 and now abandoned.--

IN THE CLAIMS:

Please add the following new claim 21.

--21. An antibody capable of binding senescent cell derived-1, SDI-1 comprising the amino acid sequence 60 through 164 of SEQ ID NO:2.--

REMARKS

The claims have been amended to define Applicants' invention with greater particularity and to set forth the invention in such manner as to clearly demonstrate its patentability over the art. New claim 21 is directed to subject matter found in the specification as originally filed in the '874 patent application (filed October 24, 1994).

In the present invention, a high affinity polyclonal antibody to a GST fusion protein of SDI-1 was generated and methods of detection using that antibody are described in the specification on pages 45 to 48. Thus, no new matter is added with this preliminary amendment. The polyclonal antibody to a GST fusion protein of SDI-1 of this application is currently being commercialized as p23, which is indicia of non-obviousness of the instantly claimed invention.

In light of the foregoing amendments and remarks, Applicants submit that the presently pending claim is in condition for allowance. Accordingly, an early allowance is respectfully requested. If any matter requires attention prior to the allowance of the application, the Examiner is requested to contact the undersigned to resolve such matters.

Applicants have previously established small entity status. Authorization is hereby given to charge any additional fee due in connection with the submission of this Communication to Deposit Account No. 50-0521.

Respectfully submitted,

Date: December 7, 2001

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